

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: COLIN BROWN, ET AL.
USSN.: 10/554,626
FILING DATE: October 26, 2005
FOR: Volatile liquid Dispensing Device
ART UNIT: 1797
EXAMINER: Elizabeth L. McKane
CUSTOMER NO.: 27,388

Mail Stop: Office of Petitions
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

The above-identified application is apparently held abandoned for failure to respond to the Office Action of August 31, 2007. Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment in view of the following facts:

An Office Action was mailed to the Applicant by the Patent Office on August 31, 2007. On February 29, 2008 Applicant filed a Response to the Office Action of August 31, 2007 along with an Extension of Time. However, due to a clerical error Applicant inadvertently filed the document with incorrect serial number 10/544,626 instead of serial number 10/554,626. .

Copies of the Response filed and the facsimile transmittal confirmation showing that the Response to the Office Action of August 31, 2007 and extension of time was actually transmitted

to the Patent Office are attached hereto. The facsimile transmittal of mailing constitutes prima facie evidence that the Response to Notice to the Office Action of August 31, 2008 was timely filed.


Applicants request, therefore, that the Commissioner exercise his authority and correct the record to show that this application is pending and has not been abandoned. Specifically, it is respectfully requested that the Notice of Abandonment be withdrawn and the application returned to active status.

ADDITIONAL FEE

Applicants do not believe that a fee is required for this petition. The Petition for Extension of Time fee was filed and paid for on February 29, 2008. However, should the Commissioner determine that a fee is, in fact, due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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